

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAWN BROWN, OZAN CIRAK,
LUKE SMITH and THOMAS HANNON,
each individually and on behalf of all others
similarly situated

Plaintiffs,

vs.

GENERAL NUTRITION COMPANIES, INC.

Defendant.

Case No.: 1:07-CV-06356-JSR

Related Case No.: 1:04-MD-01598-JSR

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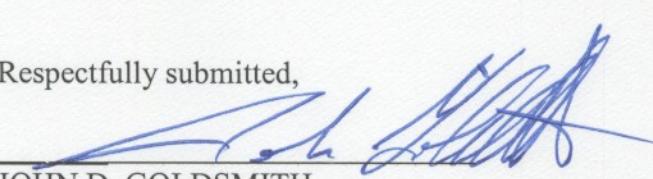
PLAINTIFFS' NOTICE OF APPEAL

Notice is hereby given that SHAWN BROWN, OZAN CIRAK, LUKE SMITH and THOMAS HANNON, individually and on behalf of all others similarly situated, as Plaintiffs in the above-named case ("Plaintiffs"), appeal to the United States Court of Appeals for the Second Circuit from the Status Order (Including Case Management Order No. 48) entered on July 29, 2008 (Docket No. 13). Plaintiffs appeal from such Order, and such orders as may be encompassed within said Order, including the dismissal of the above-named case with prejudice for failure to prosecute.

Dated: August 21, 2008

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Respectfully submitted,


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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Plaintiffs' Notice of Appeal has been sent via ECF and US Mail to: James Marks, Esq., 195 Broadway, NY, NY 10007, and James Munisteri, Esq., 1000 Louisiana, Suite 3400, Houston, TX 77002 on this 21st day of August, 2008.


Attorney